

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 16, 2017

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron,
M. Hovey-Wright

MEMBERS ABSENT: J. Montgomery-Keast, excused; E. Hood

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: H. Aguilera, 2054 Harding; N. Jones, Director of Housing; B. Martell;
A. Fortenberry, 1275 Kenneth; J. Kitchen, 1445 Hillcrest Dr.

APPROVAL OF MINUTES

A motion to approve the Minutes of the Planning Commission meeting of October 12, 2017 was made by B. Mazade, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2017-28: Request for a Special Land Use Permit to expand a non-conforming structure no more than 30% at 2054 Harding, by Hector Aguilera. M. Franzak presented the staff report. The property is zoned R-1, Single Family Low-Density Residential, and measures 68 x 130 feet, making it a buildable lot. The home on the property is considered a legal non-conforming structure due to a three-foot setback on the west side property line; a one-story home is required to have a six-foot side setback. The property owner would like the new addition to have the same 3-foot side setback as the rest of the home. Therefore, a Special Land Use Permit is required, which allows a non-conforming structure to be enlarged up to 30%. The current home measures 1,225 square feet and the proposed addition measures 366 square feet, which is 30% of the existing home. A site plan was provided to board members showing the location of the proposed front addition. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had received one comment from the adjacent neighbor, D. Hines, at 2064 Harding Ave., who stated that she was opposed to the request. Staff recommends approval of the Special Land Use Permit, as it meets the necessary requirements.

H. Aguilera stated that they needed the addition to build extra rooms for their family. M. Hovey-Wright stated that she had driven by the site and saw no issues with the request.

A motion to close the public hearing was made by B. Larson, supported by B. Mazade and unanimously approved.

A motion that the request for a Special Land Use Permit for the front addition to 2054 Harding Avenue be approved as proposed, was made by M. Hovey-Wright, supported by S. Gawron and unanimously approved, with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and M. Hovey-Wright voting aye.

Hearing, Case 2017-29: Request for a Special Land Use Permit to utilize the building at 1275 Kenneth Street as a 24-unit, multi-family residence with shared kitchen and dining facilities, by Safe Haven Living Facility of Muskegon, LLC. M. Franzak presented the staff report. This property was most recently used by Family Promise of the Lakeshore, who received a Special Land Use Permit on August 15, 2013 allowing offices, a day center, four apartment units and child care services. These uses are no longer active at this site, and the Special Land Use Permit cannot be transferred because the current request is for a different type of use. The new proposed use is to house veterans, seniors and fixed income individuals with semi-furnished rooms. There will be 24 single unit rooms with shared shower/bathroom, kitchen and common areas. This property is zoned RM-1, Low Density Multiple Family Residential, so multi-family apartments are allowed. However, the rooms do not meet the minimum dwelling unit size and this is a use that has never been approved at this site; therefore, the Special Land Use Permit is required. The new use is similar to an Adult Foster Care large group home, which is also allowed as a Special Land Use in this district. The minimum size for a one bedroom apartment is 650 square feet; however, these units are not comparable to a traditional apartment unit, as they are considered bedrooms with common spaces throughout the building. There are 12 parking spaces available on site. The zoning ordinance requires two spaces per unit; however, this use is different than most multi-family uses. There will only be one person in each unit and the applicant has stated that about 80% of their usual clientele do not have a car. Given this information, staff feels that there is enough parking on site. Notice was sent to all property owners/tenants within 300 feet of this property. At the time of this writing, staff had received one call from N. Jewett, 1302 Williams St, who was in favor of the request. Staff recommends approval of the proposed use, with the condition that additional parking be added if it becomes a problem.

N. Jones explained the project concept, the proposed layout of the building and landscaping plans, and answered board members questions. M. Hovey-Wright asked what level of care would be provided to residents. N. Jones stated that residents must be able to care for themselves, as no medical assistance or care would be available at the facility. J. Doyle asked about ADA compliance. N. Jones stated that the facility used to be a nursing home and was already ADA-accessible. A. Fortenberry stated that they would house males only; N. Jones stated that that was where the market study showed the most need. J. Doyle asked what type of screening would be used for housing applicants. N. Jones stated that they would be working with established local organizations for referrals, and they would do criminal background checks. M. Hovey-Wright asked where the additional parking would be located, if it was determined that it was needed. N. Jones stated that they had 14 spaces and could also use on-street parking in the area. M. Franzak stated that shared parking agreements were also allowed, if there was a suitable lot nearby. J. Doyle asked if there would be staff on site. N. Jones stated that they would have 24-hour staffing including aide, security, and maintenance workers. J. Kitchen owned a rental property nearby and was concerned about there being enough kitchen space with so many residents. N. Jones stated that they had a large commercial kitchen and dining room, plus a smaller kitchen.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

A motion that the request to allow a 24-unit, multi-family residence with shared bathroom, kitchen and dining facilities at 1275 Kenneth Street be approved, with the condition that the special use permit can be revoked if any future parking needs are not addressed by either adding more parking on site or through a shared parking agreement, was made by B. Larson, supported by F. Peterson and unanimously approved, with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and M. Hovey-Wright voting aye.

Hearing, Case 2017-30: Request to amend the zoning ordinance by adopting a local Critical Dune Ordinance, per Public Act 451 of 1994, the Natural Resources and Environmental Protection Act. M. Franzak presented the staff report. Critical Dunes in Michigan are regulated by the Michigan Department of Environmental Quality (MDEQ), thus anyone doing work in a critical dune area must first receive a permit from the MDEQ. These permits can take several months to get approved, which often slows down projects. Act 451 of 1994 allows local municipalities to enact their own critical dune ordinance and enforce it themselves. Staff has created a draft ordinance which has been reviewed by the MDEQ. Staff plans to either enforce the ordinance in-house by doing our own inspections or possibly contracting with a private firm for inspections. A map showing the locations of critical dunes in Muskegon and proposed ordinance language was provided to the board for their review. Staff recommends approval of the proposed ordinance.

M. Franzak stated that the purpose of enacting this ordinance was to expedite the process for work performed in critical dune areas. Although municipalities are allowed to craft their own ordinances, they must follow the DEQ rules. F. Peterson stated that a local ordinance would benefit the city. Much of the critical dune areas were located in its boundaries, and city staff were more aware of the City's needs and the best interests of the community. B. Mazade was concerned about the language regarding sewage treatment. He would like to see city sewer service required. T. Michalski concurred. F. Peterson stated that the language was included because the local ordinance had to reflect state requirements, but the city would require city utilities.

A motion to close the public hearing was made by B. Larson, supported by J. Doyle and unanimously approved.

A motion that the request to amend section 2310 of the zoning ordinance to include a local critical dunes ordinance, be recommended to the City Commission for approval was made by F. Peterson, supported by M. Hovey-Wright and unanimously approved, with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and M. Hovey-Wright voting aye.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

Imagine Muskegon Lake – M. Franzak updated the board on this process.

Medical Marijuana Dispensaries – T. Michalski asked what the role of the Planning Commission was in this process. F. Peterson stated that the board would be involved in zoning issues related to the dispensaries.

There being no further business, the meeting was adjourned at 4:45 p.m.

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